



CITY OF FITCHBURG

Planning Department

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MINUTES PLAN COMMISSION June 17, 2014

Plan Commission Members Present: Carol Poole, Ed Kinney, Jim Anderson, Rachel Lee, Tony McGrath, Becky Baumbach

Others Present: Tom Hovel – City Planner/Zoning Administrator,
Susan Badtke – Community Planner

1. Call to order and approval of minutes of 5/20/2014.

Chair Poole called the meeting to order at 7:00 p.m.

Motion by Kinney, second by Lee, to approve the minutes of 5/20/2014 was carried unanimously.

2. Public Appearances – non agenda items – None.

3. Agenda Review - No changes.

4. Public hearing and consideration of rezone request, RZ-2021-14, by Laurence Davies, agent for Bjorksten LLC, to rezone from the B-H (Highway Business) to the B-P (Professional Office) district, property associated with 5525 Bjorksten Place.

Chair Poole opened the public hearing.

Bill Dalrymple, 5500 E Cheryl Pkwy Suite 110 Fitchburg, registered in support.

Laurence Davies, 6207 Indian Mound Drive McFarland, spoke in support of the request and explained his request to rezone the property.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided a staff report noting that staff recommended approval.

Motion by Kinney, second by Baumbach, to recommend approval of RZ-2021-14 with the following condition:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion was carried unanimously.

5. Public hearing and consideration of conditional use permit request, CU-2022-14, by William Buglass, agent for Payne & Dolan, Inc., to allow for extension of mineral extraction-limestone quarry conditional use permit CU-0508-93, for Harvest Haven Quarry.

Chair Poole opened the public hearing.

Bill Buglass, 6295 Lacy Road, representing Payne & Dolan and Subzero, spoke in support of the request for extending the CUP for Harvest Haven Quarry until December 2018. He stated several reasons for why they have not finished quarrying the site, including the downturn in the economy from 2008 until recently and also the increased use of recycled products in projects.

Clint Weninger, N3W23650 Badinger Road Waukesha, representing Payne & Dolan, registered in support and was available to answer questions.

Leslie Jorgensen, 2325 S Seminole Highway Fitchburg, registered in opposition to the request noting that if this CUP is extended, she would like a "No Jake Breaking" sign installed at the corner of S Seminole and Whalen Road.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided the staff memo noting that the request was to extend the quarry permit for three more years. He stated that planning staff would pass the comment regarding jake breaks onto public works.

Motion by Anderson, second by Baumbach, to approve CU-2022-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Applicant shall extend the security or performance bond until after the closing date of December 31, 2018 and provide proof to staff of such extension.
- 3.) Conditions of CU-0508-93 remain in effect with the exception of condition 12, which is modified to grant the conditional use until December 31, 2018.

Motion was carried unanimously.

6. Public hearing and consideration of rezone request, RZ-2023-14, by Fredric DeVillers, agent for Fitchburg Lands, LLC, to amend the PDD-GIP (Planned Development District – General Implementation Plan) zoning to allow for assisted and independent living facilities, and recognize the combining of two lots into one lot, on Lots 109 and 110 First Addition to Swan Creek.

Chair Poole opened the public hearing.

Patricia Eaton, 5212 Sassafras Drive Fitchburg, spoke in opposition to the request noting that she has concerns about the development of senior housing and assisted living facilities on the property.

Brian Stoddard, 550 Sunrise Drive Spring Green, representing Fitchburg Lands, provided a brief overview of the project. The site is 5.9 acres and will contain 54 dwelling units comprised of 13 two-unit adult family housing buildings and a 23 unit 3 story independent living building.

Fred DeVillers, 1225 N 36th Street #1074 Phoenix AZ, representing Fitchburg Lands, spoke in support of the request. He explained that the adult family units could potentially contain three

generations – the person receiving the care, the operator/care giver and any children of the operator. He stated the units would be rental units that would provide a permanent resident for the provider and the elder whom they provide care to.

Deb Hatfield, 119 S Main St Cottage Grove, registered in support and was available to answer questions.

Jordana Hall, 4187 Oak Street McFarland, representing Entrust Care Partners, spoke in support of the request and was available to answer questions. She stated that they try to incorporate seniors into a normal routine family setting where they are better served and have more individualized care than in a long-term facility.

Chair Poole questioned the screening of the families and how they are matched with a senior. Hall responded that Entrust Care Partners would manage and oversee Inspiration Pointe and a Community Director would be on site living on the premise. She also stated that the units would allow for four clients per unit.

Discussion was had on the site layout of the family homes and why they are angled rather than flush with the street. DeVillers stated they are turned inward to improve street aesthetics and also make it easy for the provider to get individuals to cars. He stated that it gives the site a more organic feel and that rotating the buildings toward the street would push the garages toward the street.

Chair Poole closed the public hearing.

Becky Baumbach stated that the staggering of the buildings gives a distinct identify for the cluster and questioned why the City would want it to look like the row on the other side of the street. She questioned what kinds of activities the neighbors could expect to see going on in the neighborhood. Hall stated that rarely is there increased traffic and in her 12 years as a caretaker has had an ambulance 4 or 5 times. Hall explained there are 4 bedrooms on the first floor and 3 bedrooms upstairs.

Anderson expressed his support of the project.

Tony McGrath stated that he likes the use but is not comfortable with the site layout. He said he doesn't like how each building does not connect to the sidewalk and he's also not excited about the parking lot being visible.

Motion by Baumbach, second by Anderson, to recommend approval of RZ-2023-14 with the following conditions:

- (A) PDD-GIP zoning is hereby amended in accord with submitted plans and responses dated June 4, 2014 to allow the following:
 - 1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
 - 2. A fee-in-lieu of parkland dedication for 4.6 dwelling units shall be provided where more than 49 dwelling units, but not more than 54 dwelling units, are to be constructed on lots 109 and 110. In accord with the 2014 City fee schedule, this fee is equal to \$19,918. If not paid in 2014, the fee shall be adjusted in accord with the annual City fee schedule in effect at the time of payment. The fee shall be paid prior to the recording of the CSM.
 - 3. A park improvement fee of \$7,920 is due for the 13 two family units and \$3,920 is due for the 28 unit senior Independent Living building. These fees (which total \$11,840) are based on the 2014 fee schedule and if not paid in 2014 shall be adjusted to reflect the fee in effect at time of payment. The fees shall be paid prior to recording of the land division.

4. It is applicant's responsibility to assure that all local and state fire code requirements are met for any of the alternatives.
5. Approval of Planned Development District Specific Implementation Plan (PDD-SIP) for lots 109 and 110 (which shall be combined into one lot by CSM) is required for the property.
6. Approval and recording of a certified survey map to combine lots 109 and 110 into one lot prior to the approval of the PDD-SIP.

(B) This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22-596 of the zoning code, owners shall consent within 30 days of approval for the PDD-GIP zoning to take effect.

(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Ed Kinney commented that he has mixed thoughts on the layout and that it's hard to look at the site plan and see how the buildings visually will look from the street. He stated that Swan Creek was designed so that each block matches and you should see some continuity on both sides of the street. Rachel Lee stated she shared similar concerns.

Tony McGrath stated that he likes the location of the three story independent living building as it's an anchor for the corner. He stated that he does not like the clustering and tilted offset nature of each house will work. Chair Poole commented that she's not completely comfortable with how the offset nature will look like when walking or driving down the street and wants to see the relation to the other existing buildings.

Becky Baumbach commented that in Oak Meadow, you have the Capitol Heights neighborhood which has houses every which way and is a different model of development than the rest of the neighborhood.

Jim Anderson stated he is comfortable with the site plan.

Motion carried unanimously.

7. Certified Survey Map request CS-2024-14, by Fredric DeVillers, agent for Fitchburg Lands, LLC, to combine lots 109 and 110 First Addition to Swan Creek, into one lot.

City Planner Tom Hovel explained the request to combine lots 109 and 110 into one lot.

Motion by Anderson, second by Kinney, to recommend approval of CS-2024-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Subject to approval of RZ-2023-14.

Motion was carried unanimously.

8. Public hearing and consideration of rezone request, RZ-2026-14, by Deborah Hatfield, agent for Hamm Fam Land, LLC, to rezone from the R-D (Rural Development) to the P-R (Park and Recreation) district, a portion of Lot 3 CSM 11159.

Chair Poole opened the public hearing.

Phil Sveum, 5500 E Chery Pkwy Fitchburg, representing Hamm Fam, spoke in support of the request and provided an update on the status of the project.

Deb Hatfield, 119 S Main St Cottage Grove, representing Hamm Fam, spoke in support of the application and explained the request.

Chair Poole closed the public hearing.

City Planner Tom Hovel explained the request to add additional parkland to be dedicated at this time rather than phase 2. He stated that it won't affect the current operation of the quarry.

Motion by Baumbach, second by McGrath, to recommend approval of RZ-2026-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Rezoning is conditioned on approval and recording of the final plat FP-2028-14.

Motion was carried unanimously.

9. Public hearing and consideration of rezone request, RZ-2027-14, by Deborah Hatfield, agent for Hamm Fam Land, LLC, to rezone from the PD-GIP (Planned Development District – General Implementation Plan) to the PD-SIP (Planned Development District – Specific Implementation Plan) district, a part of Lot 3 CSM 11159.

Chair Poole opened the public hearing.

Deb Hatfield explained the request to rezone three blocks within the development to PD-SIP.

City Planner Tom Hovel provided the staff memo and noted that the proposed SIP is consistent with the previously approved GIP.

Motion by McGrath, second by Baumbach, to recommend approval of RZ-2027-14 with the following conditions:

- (A) PDD-SIP zoning for part of lot 3 CSM 11159 is hereby approved in accord with submitted plans and information (Phase 1 PD-SIP Quarry Vista Plat, of May 20, 2014, with a revised date of June 6, 2014) which is hereby made a part of this ordinance, and with the following additional requirements:
 1. No other permit or approval is waived or deemed satisfied except for the approval herein provided.
 2. It is applicant's responsibility to assure that any private deed restrictions appropriately reflect the zoning standards contained in the document Phase 1 PD-SIP Quarry Vista Plat, of May 20, 2014, and as amended on June 6, 2014.
 3. Park fees for the PDD-SIP lots will be handled with the Quarry Vista final plat.
 4. Lots 53-62 of the proposed Quarry Vista Plat are for two family dwelling units, and lots 31 through 47 are for small lot single family. The two family and small lot single family are contained within three blocks, each served by a private alley.
- (B) This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22-602 of the zoning code, owners shall consent within 30 days of approval for the PDD-SIP zoning to take effect.
- (C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Motion was carried unanimously.

10. Final Plat request FP-2028-14, by Deborah Hatfield, agent for Hamm Fam Land, LLC, for the final plat of Quarry Vista.

Deb Hatfield, 119 S Main St Cottage Grove, representing Hamm Fam Land, stated that the plat is consistent with the preliminary plat and the staging plan.

Motion by Anderson, second by McGrath, to recommend approval of FP-2028-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval herein provided.
- 2.) Approval of rezoning request RZ-2026-14 and RZ-2027-14.
- 3.) A subdivision improvement agreement shall be signed and recorded prior to the City signing of the final plat, with required park fees paid prior to the City signing of the final plat.
- 4.) Shall address all public works comments provided on June 2, 2014 to applicant, prior to City signing the final plat.
- 5.) Applicant shall provide disclosure to buyers of the existence of the quarries and asphalt plan operations.

Motion carried unanimously.

11. Public hearing and consideration of rezone request, RZ-2029-14, by Justin Frahm, agent for Orchard Pointe Partners, LLC, to amend the PDD-SIP (Planned Development District – Specific Implementation Plan) zoning to allow for modifications to the building and drive placement for the multi-family development, on Lot 14 Orchard Pointe.

Chair Poole opened the public hearing.

Justin Frahm, 161 Horizon Drive Suite 101, representing JSD Professional services, explained the request for modification to the previously approved site plan. Modifications include flipping the orientation of the buildings to maximize site opportunities and work with the site grades.

Mike Johnson, 3556 Richie Road Verona, representing Orchard Pointe Partners, registered in support and was available to answer questions.

Jeff Groenier, 732 S Main Street Oregon, representing Concepts in Architecture, was available to answer questions.

Chair Poole closed the public hearing.

City Planner Tom Hovel provided a staff memo noting that the proposed site plan changes make sense because they will be bringing the garages from the lower side of the lot and working more with the grade.

Ed Kinney pointed out that the revised site plan places all of the traffic along the property lines adjoining the town of Verona. He questioned whether screening could be done to ensure that headlights coming out of the garages are not going directly into the backyards of the people living there.

Motion by Baumbach, second by Kinney, to recommend approval of RZ-2029-14 with the following conditions:

- (A) PDD-SIP zoning for lot 14 Orchard Pointe is hereby amended in accord with submitted plans and information which accompanied the rezoning application received on May 20, 2014:
1. The site shall provide for a maximum Impervious Surface Ratio (ISR) of 41%, and a minimum open space ratio of 59%.
 2. Obtain an Erosion Control and Stormwater Management Permit.
 3. Building one shall provide for a maximum 40 dwelling units, with a minimum 38 understructure motor vehicle parking stalls.
 4. Building two shall provide for a maximum 42 dwelling units, with a minimum 34 understructure parking stalls.
 5. The site shall provide for a maximum 48 exterior parking stalls.
 6. Building height shall not exceed 40 feet (as measured from mean grade in the front or street elevation to the halfway point between peak and eave)
 7. The following park fees are due prior to the issuance of any zoning or building permit:
 - a) Fee-in-lieu of dedication of \$294,400 (2014 fee schedule). The developer may choose to provide off-site dedication acceptable to the Parks Director, and the Common Council in lieu of all or part of the required fee-in-lieu of dedication.
 - b) Parkland improvement fee of \$140 per dwelling unit (2014 fee schedule).
 - c) Fee-in-lieu of street frontage of \$250 per lineal foot (2014 fee schedule) which totals \$12,750.
 - d) The above fees (6a through c) are based on the 2014 fee schedule, and the amounts will be adjusted annually based on the fee schedule for the year in which paid.
 - e) The total fee-in-lieu of street frontage shall be paid in one lump sum with the first zoning or building permit.
 - f) The fees are based on 82 dwelling units, and the applicant received a credit of 14 dwelling units for the fee-in-lieu of dedication which were originally allocated to the site by the original dedication of parkland with the Orchard Pointe Plat.

(B) This ordinance shall take effect following its publication, or the consent of the property owner, whichever occurs last. However, in accord with section 22-602 of the zoning code, owners shall consent within 30 days of approval for the PDD-SIP zoning to take effect.

(C) Applicant shall pay cost of publication to avoid a two Council meeting approval process.

Motion was carried unanimously.

12. Architectural Design Review request by Justin Frahm, agent for Orchard Pointe Partners, LLC, to allow for modifications to the building and drive placement for the multi-family development on Lot 14 Orchard Pointe.

Motion by Anderson, second by Kinney, to approve ADR with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) The bike path that continues through the driveway out to Fitchrona Road should be reconstructed with 7" concrete through the driveway.
- 3.) Applicant shall comply with all public works requirements prior to issuance of any permit.
- 4.) Subject to approval of RZ-2029-14 by the Common Council.
- 5.) Placement of fencing along Town of Verona property line to screen headlights - subject to staff approval.

Motion was carried unanimously.

13. Public hearing and consideration of conditional use permit request, CU-2030-14, by Thai Noodles, with authorization from Fleming Development PD retail, to allow for expansion of a restaurant use to include an outdoor patio area at 5957 McKee Road.

Chair Poole opened the public hearing.

Sia Xiong and Ryan Farrell, 5957 McKee Road Ste 103, representing Thai Noodles LLC, were available to answer questions. Sia Xiong explained the request for an outdoor patio which would have 5 tables and 20 chairs. She stated that it would be similar to what Barriques has and will be fenced. She stated they are working on getting the alcohol license which would include the new patio area.

Chair Poole closed the public hearing.

Motion by Kinney, second by Lee, to approve CU-2030-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Applicant shall obtain proper liquor license approval prior to serving any alcohol on patio.

Motion was carried unanimously.

14. Architectural Design Review request by Thai Noodles, with authorization from Fleming Development PD retail, to allow for an outdoor patio area at 5957 McKee Road.

Motion by Kinney, second by Lee, to approved ADR request with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Applicant shall install fencing around patio seating area, similar to that at the neighboring business, Barriques, as represented in plan materials.

Motion was carried unanimously.

15. Public hearing and consideration of Ordinance 2014-O-20, An Ordinance Amending Chapter 23 to Amend Article 5.6.2 f. i. for reference notation, Amend 5.6.2 f ii. Limiting Façade Depth on non-Principal Frontage, Create 5.6.2 f. vii Relative to Building Recess for Outdoor Space, and Amend Article 5.13.5 c to Allow Powder Coated Aluminum Railings.

Chair Poole opened the public hearing.

Lindsey Fedler, 2379 University Avenue Madison, representing Goldleaf Development, registered in support of the Ordinance.

Mike Filkouski, 7266 County Road VV Sun Prairie, representing Goldleaf Development, was available to answer questions.

Ron Fedler, 2379 University Avenue Madison, representing Goldleaf Development, spoke in support of the ordinance and was available to answer questions.

Chair Poole closed the public hearing.

City Planner Tom Hovel explained the proposed ordinance to allow for increased articulation and also to allow for powder coated aluminum railings. Hovel noted Alder Steve Arnold's concerns that increased building articulation will affect the walkability of the streetscape and you lose the comfort of the building wall.

Motion by Baumbach, second by Kinney, to recommend approval of Ordinance 2014-O-20 was carried unanimously.

16. Certified Survey Map request, CS-2020-14, by Ed Short of Exeter Design, agent for Dave Bischoff, for approval of a Certified Survey Map to adjust the lot line for Lot 1 CSM 3973 at property associated with 6583 Grandview Road, Town of Verona.

David L. Bischoff, W5060 Round Grove Road Monroe, registered in support of the request.

Motion by McGrath, second by Baumbach, to recommend approval of CS-2020-14 with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.

Motion was carried unanimously.

17. Architectural Design review request by Dan Motl, agent for Promega Corporation, for site and structural development of a processing facility on Nobel Drive, proposed Lot 24 Techlands.

Dan Motl, 2800 Woods Hollow Road, representing Promega, was available to answer questions.

Steve Wellenstein, 322 E Michigan Street Milwaukee, was available to answer questions.

Deb Hatfield, 119 S Main Street Cottage Grove, representing Promega, was available to answer questions.

Bill Dalrymple, 5500 E Cheryl Pkwy Suite 110 Fitchburg, representing Promega, spoke in support of the request.

Robert Zorko, 2648 Granite Road Fitchburg, representing the Quarry Hill Neighborhood Association, spoke in support. He stated that there is concern of the future traffic flow on Mica Road and look forward to the City providing a traffic solution at the Mica and Quarry Hill Road intersection.

City Planner Tom Hovel explained the request for a new processing facility. He noted that two independent reviewers reviewed the sound analysis and have concluded that it meets the requirements except for when all of the backup equipment is in operation.

Steve Wellenstein described the site layout, building materials and colors.

Motion by Kinney, second by Baumbach, to approved ADR with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Shall obtain approval from public works and address all public works items prior to issuance of any permits.
- 3.) Applicant shall have the mechanical equipment outlined in the Wise Associates sound reports (dated May 22, 2014 and June 3, 2014) works at or below the manufacturer design levels. Applicant shall maintain the equipment so as to be at or below the required 42.5 dBA level outlined in ordinance 2011-O-08.
- 4.) Approval of drive width variance by the Zoning Board of Appeals.

Motion carried unanimously.

18. Request by Steve Wellenstein, agent for Promega Corporation, to allow for issuance of permits for proposed lot 24 Techlands plat, prior to acceptance of public improvements.

City Planner Tom Hovel explained the request by Promega for an early start permit prior to acceptance of public improvements. He explained that there is an access loop around the building, which is what the Fire Department had requested for easier vehicular access. He stated that Fire Chief Grossen has agreed to allow them to do structural steel and footings and foundations.

Discussion was had on the construction of the street. Hovel stated that the street needs to be completed by October 31st. Kinney stated that he wants to make certain that the city has a line of credit to make sure that the road goes in. Bill Dalrymple stated that the letter of credit for the road needs to be signed before Promega purchases the land.

Motion by Kinney, second by Baumbach, to approve the early start issuance of permits request with the following conditions:

- 1.) No other permit or approval is waived or deemed satisfied except for the approval provided herein.
- 2.) Approval is for staff to issue the early start permit and building permit to allow for setting of structural steel; public improvements are required to be accepted by the city prior to issuance of zoning or building permits.
- 3.) No combustible materials are allowed to be stored on the site, except those necessary to accomplish the work allowed in 2, above.
- 4.) The subdivider or developer shall provide an agreement to be recorded whereby the subdivider agrees to indemnify and save the city harmless from any and all claims, actions, demands, or judgments for personal injuries or property damages, together with the actual expenses incurred in connection therewith, arising out of or in any way related to the issuance of such building permits, or construction within the subdivision including any such claim, action, demand or judgment premised upon the negligence of the city or any of its officers, agent, servants or employees.
- 5.) The building owner shall agree in a written affidavit that occupancy shall not occur, nor shall occupancy permits be issued, prior to the completion, inspection and acceptance of all required improvements.
- 6.) Applicant shall agree to provide temporary road maintenance, and install and maintain operability of water mains as required by the Fire Dept.
- 7.) Subject to approval and recording of Techlands final plat.
- 8.) All required fees shall be paid, proper security posted and barricades provided, prior to the issuance of any permit.
- 9.) Subject to the Techlands developer signing the Subdivision Improvement Agreement, and the recording of the agreement and the final plat.

Motion was carried unanimously.

19. Resolution R-62-14, A Resolution Approving Parkland Dedication from Fiduciary Real Estate Development.

Jason Gonzalez, 2800 Crinkle Root Drive #202 Fitchburg, representing Alder District 3, Park Commission and self, spoke in opposition to this Resolution and urged the Commission to oppose acceptance of the land. He stated that the land is not the right fit as it doesn't address the lack of park space in the N Fish Hatchery corridor, where The Vue is located and where there is a need for additional park space.

Craig Raddatz, 789 N Water Street Suite 200 Milwaukee, representing Fiduciary Real Estate Development, spoke in support of the Resolution and provided a history of parkland dedication for The Vue development. Raddatz pointed to a memo from the parks department that prioritized areas for offsite parkland dedication. City Planner Tom Hovel explained that the land Fiduciary is looking to dedicate is not identified as one of the top priority areas.

Fitchburg Parks Director Scott Endl explained that Alder Arnold had previously brought the piece of property to the Park Commission because the owner was interested in giving it to the city. The Park Commission was not interested in receiving it as the property is worn out. He stated that he had a meeting with the Mayor and the Mayor requested that they look at what could be done to enhance the possibility of the Park Commission being receptive to accepting this land for parkland dedication. Since the Nine Springs park study, the Commission has realized they need to prioritize parkland and felt that fee in-lieu for The Vue could be used for future purchase and development in the N Fish Hatchery Road area.

Alder Gonzalez expressed concern that the memo Raddatz referenced was drafted two years ago. He also pointed out that the Alders, not staff, make the policy decisions and also that commissions and priorities change.

Some Commission members expressed some concern with the fact that Fiduciary tried to find something that works to satisfy the requirements and questioned whether it was reasonable to expect that level of dedication for the project. Hovel explained that Fiduciary took the risk of not satisfying the requirements up front.

Chair Poole stated that perhaps there is no suitable land off-site for parkland and perhaps the outstanding balance needs to be reinvested in N Fish Hatchery Road. She stated that there should have been more comprehensive conversations about this and that when something goes on for two years that this is what happens.

Motion by McGrath, second by Anderson, to recommend approval of R-62-14.

Kinney stated that this doesn't seem to be a Plan Commission issue and that he will vote against the resolution but not because he thinks Fiduciary should pay the full fee in-lieu, rather because he doesn't think the land is suitable for dedication.

Roll call vote: Anderson – aye, Baumbach – no, Kinney – no, Lee – aye, McGrath – aye, Poole - present

Motion failed with three members in support, two members in opposition and one present.

20. Resolution R-66-14, Adopting Capital Improvement Program – 2015 Through 2019.

City Planner Tom Hovel walked the Commission through the project identified by staff as significant to planning.

Motion by Baumbach, second by Lee, to recommend approval of R-66-14 was carried unanimously.

21. Planning Department Report - Nothing to report.

22. Announcements

Chair Poole announced that the next meeting will be held on July 15, 2014.

23. Adjournment

Motion by Kinney, second by Baumbach, to adjourn at 10:44 p.m. was carried unanimously.

Submitted By,
Susan Badtke, Community Planner

Approved July 15, 2014